

# **APPENDIX B**

## **PILOT CASE STUDIES**

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# TITLE VI CASE STUDIES: Preliminary Findings



*Prepared for the U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response*

## Camden, New Jersey

### Describe the demographics that exist in Camden.

The City of Camden has a population of 87,500. Camden is the fifth-largest city in New Jersey and is an economically distressed area. Manufacturing and related land uses account for one-third of Camden's nine square miles, and brownfields constitute more than half of all industrial sites in the City. Camden has a predominantly minority population with high unemployment and poverty rates. New Jersey Department of Environmental Protection (NJDEP) representative Jerry O'Donnell reported that Camden is the fourth-poorest city in the country, and the second-most dangerous. In 1983, Camden received a New Jersey Enterprise Zone designation that offers tax benefits for redevelopment.

North Camden, which is primarily residential and commercial, is surrounded on three sides by water and bordered on the fourth by a bridge and boulevard. Much of North Camden has been designated a Federal Empowerment Zone by the U.S. Department of Housing and Urban Development and has also been recognized as a redevelopment priority by the Governor's Urban Coordinating Council. The waterfront area of South Camden, on the other hand, has a long history of heavily industrial activity, though much of this activity has ceased. The original residents of South Camden worked in the factories along the waterfront; they have long since moved out of the area.

### Demographics

#### Camden

Population:	87,500
Minority Rate:	87%
Poverty Rate:	39.6%
Unemployment Rate:	16.3%
Educational Attainment:*	4.8%

#### North Camden

Population:	8,727
Minority Rate:	
Black	42%
Hispanic	51%
Educational Attainment:*	<4%

\*Percent of residents over 25 with a bachelor's degree

Rather than directly funding environmental assessments, the City uses its Pilot (referring to the EPA Brownfields Assessment Demonstration Pilot) funding primarily for building partnerships among key

stakeholders and fostering coordination among the stakeholders to facilitate assessment, cleanup, and

redevelopment of brownfields in North Camden. All assessments and cleanups have been funded by private and other public resources.

In March 1998, Camden was selected as a finalist for Showcase Community designation and EPA has supplemented the original Assessment Pilot grant with \$200,000. Since there has been little progress made in the South Camden area, the Pilot plans to use this supplemental funding to focus on brownfields in that area. In addition, in 1998 EPA awarded a Job Training Pilot to the New Jersey Youth Corps.

### **Have cleanup and redevelopment been done/completed at any of Camden's Pilot-targeted sites?**

The Camden Pilot originally targeted three sites in North Camden (ABC Barrel site, Conrail trestle site, and Knox Gelatin site). To date, the Pilot's main focus has been to initiate and maintain discussions among stakeholders at the Knox Gelatin site. Cleanup and redevelopment is near completion on portions of the Knox site. Preliminary assessments are still underway at the ABC Barrel site and Conrail site. Plans to use the supplemental funding in South Camden are just underway.

#### North Camden — Knox Gelatin

The Knox site has been an industrial site and port since the 18<sup>th</sup> Century. It is comprised of three properties totaling nearly 40 acres: the original Knox Gelatin property; the Abbonizzio property; and the Black People's Unity Movement (BPUM) property. The Knox site is surrounded by a low-income residential neighborhood, a marine dredging company, a county park, and land for a proposed park along the Delaware River. The site has served as a gelatin manufacturing plant, a ship yard, and a work base for road and roofing contractors. The property has been used as a disposal site for demolition debris and used roofing materials.

Assessment has been completed on the Knox Gelatin and BPUM properties. Assessment of the gelatin property was funded by the prior owner. Asphalt tile left from a roofing company, illegal fill on part of the site, and petroleum hydrocarbons of unknown origin have been identified as areas of potential concern, but no significant hazardous materials have been found. The assessments have "significantly increased" the comfort level for redevelopment at the property because little contamination was found. According to a Camden Environmental Zone Corporation (CEZC) representative, "any residual environmental contamination is not enough to prohibit immediate reuse, [a prospective tenant] could be up and running today."

Assessment of the Abbonizzio property was funded by the State after the City had foreclosed on the property. Assessment at this property was about 85 percent complete when the owner paid his delinquent taxes and reacquired the property. Since the property was returned to private ownership, the State could no longer fund the assessment. A local community organization called Save our Waterfront (SOW) then purchased the property for \$140,000 (assessed value is \$500,000), and will seek funding from the State to complete the assessment report (approximately \$9,000). No cleanup has been conducted at the site to date.

Land assembly and redevelopment of the site is being overseen by the Knox Redevelopment Team, which has been jump-started by the Pilot after several years of delay under a prior administration. The Team

consists of municipal, State and Federal government officials, community stakeholders, private businesses, and a non-profit community empowerment agency. Two of the three parcels have been acquired (BPUM) or are controlled (Knox Gelatin) by the CEZC; the other (Abonizzio) has been acquired by SOW.

The CEZC and SOW are working to get a potential tenant called Liberty Concrete to operate a newly patented cinder block manufacturing process at the site. The Liberty Concrete plant will provide up to 100 new high-quality jobs; the company has agreed to hire from within the North Camden area. An agreement is being worked out with the State to provide job training. Liberty has 90 percent of the financing in place (secured via industrial bonds) and plans to invest \$10 million. Other ongoing negotiations by CEZC include siting a supermarket, a food bank, and a tire distributor in the Knox industrial park.

#### North Camden — ABC Barrel

This one-acre, City-owned (tax foreclosure) site is located in “one of the nicest parts of the City”—a moderate-income residential area (Cooper Grant neighborhood) adjacent to Rutgers’s University, Camden Campus. It is surrounded by housing units that are being rehabilitated to serve university-related housing needs. Previous uses for the site include the manufacture of toilet seats and cleaning and resale of industrial drums that contained solvents. In 1998, EPA performed a removal assessment on the site and is considering conducting a partial removal action under the Federal Superfund law. The State is currently conducting an environmental assessment, including some known lead “hot spots” from paint used on the toilet seats. In addition, EPA is providing technical oversight of the assessment and stakeholder coordination assistance through the Pilot. Two end uses have been proposed—new residences by a non-profit housing developer and a parking lot to service the university by the former owner. A community park is planned next to this site.

#### North Camden — Conrail

This quarter-acre site was used as a bulk materials facility for more than 50 years. Until the Conrail rail line that served the site went out of business some years ago, bulk materials such as sand, gravel, and crushed stone were unloaded from “hopper cars” and sold. It is located in a low-income residential neighborhood and is also adjacent to the Rutgers campus. The State had begun building temporary prisons on the site, but construction was stopped because of community opposition after fill had been placed and foundations had been laid. Prior to determining future redevelopment plans, a State-funded Phase I investigation indicated some contamination (hydrocarbons and polychlorinated biphenyls—PCBs). A Phase II assessment has been completed, and further testing is required to determine who has responsibility to clean up the site. If the fill material used to prepare the site for the prisons is contaminated, then the State may be responsible; otherwise responsibility will probably fall to the City.

According to City officials, completion of the assessments has “not been a high priority”—the City has “many other fish to fry” and the consultant conducting the assessment has other projects. Lengthy contract amendments have also slowed down the project. There is no definite end use planned for the site. An early proposal to develop the property into a senior citizen assisted living facility may be defunct.

#### South Camden

The Pilot plans to expand its efforts into the southern part of the City. To date, no sites have been targeted. The City is interested in establishing a tax base and attracting more industry to this area, but residents would like to expand housing opportunities in the area.



## **Was there stakeholder involvement at any of Camden’s Pilot-targeted sites?**

Since all sites except for Knox Gelatin are on hold or are extremely preliminary in nature, the response to this question will focus on the Knox Gelatin property in North Camden, where there has been significant community involvement.

Save Our Waterfront is a non-profit association representing the interests of the North Camden waterfront neighborhood. It was incorporated in 1989 as part of a campaign to stop the proposed prison in North Camden. SOW is made up of several related groups, including the Concerned Citizens of North Camden, the Roman Catholic diocese, business owners, and the North Camden Land Trust (a housing rehabilitation group).

After winning the fight against the prison, the group was dormant for a couple of years, then renewed activity to finalize and implement a neighborhood redevelopment plan. According to Tom Knoche, SOW’s Resource Coordinator, this neighborhood planning process “was entirely community-driven.” It was an “18-month, very intensive process of talking to everyone in the neighborhood and nailing down a vision.” The planning process included a survey of the environmental conditions in the area to identify potential problem sites.

The North Camden Plan, as it is called, has three major components—a waterfront park, an industrial park (with a goal of 350 jobs), and a permanent police substation—and includes plans to improve the transportation infrastructure, especially Delaware Avenue. In 1993, the City approved the plan. Implementation of the North Camden Plan has faced several barriers (for more details about some of the barriers see response to Question 6).

When Liberty Concrete approached the City and the CEZC about a year ago, it appeared that they were not informed of the community’s vision as stated in the North Camden Plan. Preliminary negotiations took place between Liberty Concrete and the CEZC, and some of the specific details of the project were in contradiction to the Plan (e.g., number of jobs created, access to the waterfront). SOW discovered the Liberty Concrete negotiations from a newspaper article and this put the organization in a “higher tension, advocacy mode.”

The community confronted the City and CEZC officials. The CEZC started showing up at the Redevelopment Team meetings and all of the problems were put on the table. From that point on, the community (as represented by SOW) has not only been fully involved in all discussions and decision-making, but has supported the redevelopment plans for Liberty Concrete and the entire Knox Gelatin property through the Knox Redevelopment Team.

SOW has met directly with Liberty Concrete to discuss its concerns, including its concern that the plant might not be environmentally friendly. There was added concern because the proposed manufacturing process is new and has no proven track record. According to Tom Knoche, “[Liberty] made it quite clear that this was the kind of operation we wanted to see.” Liberty Concrete promised that nothing is burned, no hazardous substances are involved, and truck traffic would be low. Although Liberty Concrete assuaged all of SOW’s concerns, SOW plans to watch the plant once it becomes operational to see if there are any issues. To further allay the community’s concern, the Team agreed that the CEZC would hire an engineering company to make

sure that the operation is “green” once its up and running.

In addition, SOW believes that its recent purchase of the Abbonizzio property makes them an “equity participant” in the process. In addition, SOW is also applying for control of the Knox Gelatin property. According to Tom Knoche, “we become a stakeholder as soon as we own land...we have leverage.”

### **Are there permitting issues at any of Camden’s Pilot-targeted sites?**

Since all sites except for Knox Gelatin are on hold or are extremely preliminary in nature, the response to this question will focus on the Knox Gelatin property in North Camden.

Because the nature of Liberty Concrete’s operations are new and not yet fully known, it is unclear what type of permits, if any, they may require for its day-to-day operations. There is speculation that a storm water permit may be required under the Federal Clean Water Act and a permit for building near a coastal area may be required under State law. Although the area is a non-attainment zone under the Federal Clean Air Act, it does not appear as if there will be any emissions created from the manufacturing process.

#### **Permits and Other Release Information**

Water Discharge:	24
Hazardous Waste:	233
Air Releases:	134
Toxics Release Inventory:	21
Biennial Reporting System (1995):	10

As noted in the response to Question 3, the community had initial concerns about whether the plant would be a “clean, green business” or have other “nuisance” issues, but these were addressed by Liberty Concrete. The engineering firm to be hired by the CEZC will oversee the operations to ensure there are no unacceptable emissions from the plant.

With regard to other planned development on the property, other tenants in the industrial park are likely to be commercial or light industrial, which would generally not require environmental permitting. This is in line with one of the North Camden Plan’s ten key policies—to “end negative land uses such as trash-to-steam plants, prisons, polluting industries and power plants.”

If any permits are required, they will go through the standard State permitting processes. The State reviews any proposed permits. The current procedure is to put a notice in the paper for ten days, with a comment period and mandatory public hearings.

### **For Camden’s Pilot-targeted sites in which no complaint was filed, what were the factors present which ensured there would be no complaints?**

According to interviewees, involvement by affected community members early in the redevelopment process is key to addressing any issues that could bring a project to a halt. Since SOW had a clear vision about redevelopment, had conducted an environmental study of the area, and was persistent in getting its issues



heard, problems were addressed early in the process. Finally, job creation seemed to play a key role in averting formal complaints. Even though Liberty Concrete is not as labor-intensive as the community had

hoped for, there will be a substantial number of jobs provided with “livable” wages and State-funded training for the area’s residents.

According to the Pilot Manager, keeping all the parties at the table and trying to streamline any City assistance/resources has been helpful. He also noted that this community group’s ability to use the press and involve other stakeholders has helped get its voice heard.

According to the CEZC representative, it was important to draw the line at some point to stop the community’s demands. Otherwise, they keep asking for more and the deal never gets done. For example, he had to push back with the community on the number of jobs that Liberty Concrete would provide. He noted that the community has to consider other “real world” factors such as community investment and taxes.

### **Is Camden’s environmental office working with its redevelopment office? What other working relationships are in place in Camden (such as with the local civil rights office)?**

Many of the interview participants noted that the prior administration had frustrated many of the attempts to redevelop Camden’s brownfields. There was substantial political opposition and in-fighting. When the administration changed, the Pilot acted to restart the Knox Redevelopment Team, which seems to have facilitated more progress. The Team not only facilitates inter-city communication, but also communication between the other key government stakeholders in the State and Federal governments.

However, there were still comments indicating that the City could improve its internal working relationships. As Jerry O’Donnell of NJDEP stated, “the City’s going through a disjointed redevelopment.” For example, North and South Camden redevelopment discussions do not take place at the same time or with the same group of people.

In addition, according to Charles Lyons of the Camden Planning Department, there is a struggle in South Camden over who has the right to set development policy. For the past ten years, non-profit groups, with money from the State and Federal governments, have been doing all of the revitalization work in the City. These groups are saying that the City has abdicated its right in this arena. The Mayor is trying to bring the groups together and the Pilot sees itself as the perfect forum.

### **Are there enforcement issues at any of Camden’s Pilot-targeted sites?**

There are currently no enforcement concerns at any of the Pilot-targeted sites. The community representative did note some concerns about odors from a company currently operating in North Camden. Tom Knoche reported, “the only one that we know is a polluter that may be affecting people in the neighborhood is Decorated Paper.” The plant, which uses hydrocarbons for paper finishes, is believed to

have “a number of environmental permits.” However, the community has checked, and found that Decorated Paper has filed its paperwork regularly with the State and appears to be in compliance.

In addition, there were multiple comments about non-environmental, social justice and/or “nuisance” issues present in North Camden such as truck traffic, high crime rates, gang activity, and drug use. The major issue noted was the planned prison site, which was defeated due to community opposition.

Any disparate impact claims would more likely be connected to South Camden. All of the stakeholders interviewed remarked upon the heavy industry in South Camden, and the unpleasant smell associated with the wastewater treatment plant. Based on “off-the-record” comments by local stakeholders interviewed, and a conversation with State enforcement officials, lack of compliance is a key factor with regard to the plant. In fact, the State and a local community group have filed lawsuits against the plant operators for non-compliance.

### **Was alternative dispute resolution used or considered in Camden’s Pilot areas?**

No formal alternative dispute resolution processes were used for the Knox site in North Camden. As soon as possible after the dispute arose and SOW went into “advocacy mode,” however, the stakeholders began face-to-face dialogues within the context of the Redevelopment Team. These types of interactions would be considered alternative dispute resolution under a broad definition of the concept.

### **How can the Camden Pilot ensure sustained, meaningful community involvement?**

According to Fred Martin, the Pilot’s goal is “no matter what happens, the community group is involved.” This Pilot’s primary mission is to coordinate dialogue and resources among all stakeholders, including the community groups, so it has built-in processes regarding the targeted sites. The Pilot has helped to “institutionalize” the monthly Redevelopment Team meetings. Continuing to facilitate these meetings should help ensure sustained community involvement. In its role as coordinator for the Knox site, the Pilot has helped forge working relationships that should allow the community to more easily achieve results in future endeavors on this and other brownfields projects.

In addition, the New Jersey Institute of Technology (NJIT) is entering a contract with SOW to provide training on risk assessment, permit issues, and community organization that has proved successful for other New Jersey community groups. This approach seems a promising way to ensure that the community involvement is meaningful.

### **How can the findings of the Camden Pilot case study be applied beyond Brownfields activities?**

The environmental knowledge and planning exhibited by Save Our Waterfront went a long way toward realizing not only its redevelopment plan, but its power as an organized, educated, and involved stakeholder group. Similarly, having an institutionalized stakeholder group like the Knox Redevelopment Team appears to be effective in preventing disputes, or at least provides a forum for their resolution outside of the courtroom.

The NJIT community training model has been used in other New Jersey cities as a way to empower community members to be credible participants in brownfields redevelopment. This model could be used at other redevelopment projects within Camden. The Pilot Manager has indicated that they would like to use the same approach for South Camden. In addition, NJDEP recently received a \$100,000 Environmental Justice grant from EPA to develop an “environmentalequities” program. The agency intends to work with several communities around the State and with the State Office of Alternative Dispute Resolution “so that we don’t have a lawsuit” at the end of the redevelopment pipeline. NJDEP hopes that by involving all stakeholders from the beginning, like with the Knox Development Team, the agency can prevent problems before they start and prevent those who decide not to participate in the process from filing lawsuits after the process is complete.

### **Interviews Conducted:**

*Based on Pilot reporting information, a list of stakeholders was developed to identify potential interviewees. The Brownfields Regional Coordinators and EPA Pilot leads were contacted to confirm the appropriate interviewees for this case study.*

Marlene Dooley, New Jersey Department of Enforcement and Compliance and Ron Hatch, New Jersey Deputy Attorney General

Brian Finnie, Camden Empowerment Zone Corporation

Tom Knoche, Save Our Waterfront

Charles Lyons, Camden Redevelopment Agency

Fred Martin, Camden Division of Planning

Jerry O'Donnell, New Jersey Department of Environmental Protection

Alison Devine, EPA IPA

Attended the January 14, 1999 Knox Development Team meeting, but no formal interviews were conducted

# TITLE VI CASE STUDIES: Preliminary Findings



*Prepared for the U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response*

## Charlotte, North Carolina

### Describe the demographics that exist in Charlotte.

The City of Charlotte has a population of 396,000. The Brownfields Pilot (referring to the EPA Brownfields Assessment Demonstration Pilot) area is adjacent to uptown in the South End/Wilmore business district, which includes Charlotte's earliest industrial area, dating back to the late 1800's. The Pilot is targeting five sites in the South End/Wilmore Neighborhood, which has a population of approximately 3,500 and a high minority rate (93.7 percent) compared to the City as a whole (34.4 percent). The poverty rate for the South End/Wilmore Neighborhood (26.7 percent) is more than double that for Charlotte (10.8 percent). Educational attainment is significantly higher than the national average, however: 21 percent of Charlotte residents over 25 have a bachelor's degree, compared to the national average of 13.1 percent.

### Have cleanup and redevelopment been done/completed at any of Charlotte's Pilot-targeted sites?

Of the five sites targeted by the Charlotte Pilot, two (Thomas Construction and Camden Square) have been cleaned up and are under redevelopment. The remaining three (Gaines Brown, Cost Effective Maintenance, and Truck Equipment Manufacturers) are in various stages of assessment and cleanup. Four of the five sites targeted are attempting to take advantage of North Carolina's Brownfields Property Reuse Act which limits liability for prospective developers.

### Demographics:

#### Charlotte

Population:	396,000
Minority Rate:	34.4%
Poverty Rate:	10.8%
Unemployment Rate:	3.2%
Educational Attainment: (City-wide):*	21%

#### Pilot-targeted Area

Population:	3,500
Minority Rate:	93.7%
Poverty Rate:	26.7%
Educational Attainment (City-wide):*	21%

\*Percent of residents over 25 with a bachelor's degree.

### Thomas Construction

This was the first site redeveloped with assistance from the Charlotte Brownfields Pilot. Seventy-five hundred dollars in Pilot funds were used to conduct environmental sampling activities on this 1,920-square-foot site and to develop a cleanup plan. Sampling showed the presence of lead contamination as a result of its former use as a radiator shop. Thomas Construction, a construction contractor, removed the contaminated soil, renovated a building, and is now occupying the site. Thomas Construction did not pursue a brownfields agreement with the State.

### Camden Square

The Camden Square project, the largest in the Pilot area, is a six-parcel, 2.7-acre abandoned industrial area in the middle of the South End/Wilmore Neighborhood. The developer, Tony Pressley, spent \$31,000 on Phase I and II environmental assessments, and \$20,000 in Pilot funds were allotted for additional assessments. Cleanup of lead and asbestos found at the Camden Square site was conducted by Pressley, which is estimated at \$165,000. Redevelopment is underway and plans include shops, restaurants, and design-related businesses such as architectural firms, graphics production companies, and interior decoration firms.

Under the State of North Carolina's Brownfields Property Reuse Act, which provides liability protection for prospective developers who are not responsible for contamination, the Camden Square developer has agreed to limit future use of groundwater at the site to protect those using the property in exchange for the State's agreement not to hold it responsible for past contamination. The agreement, signed on April 6, 1998, was the first to be reached under the State's new Brownfields Property Reuse Act: the cleanup of the site was slowed as Pressley had to wait more than one year to receive a brownfields agreement from the State.

### Gaines Brown

A local developer, Gaines Brown, bought a brownfields parcel as part of his redevelopment plan related to the design and exhibit businesses planned for Camden Square. Once purchased, the Brownfields Pilot spent \$20,000 to conduct a Phase II environmental assessment and design a cleanup plan. Similar to the Thomas Construction site, a portion of the property was found to contain lead contamination from its former use as a radiator shop. Cleanup costs are estimated at \$20,000 to \$100,000. The portion of the site that was found to be free from contamination is being cleared of debris. Development is pending a liability protection agreement under the State's Brownfields Property Reuse Act.

### Cost Effective Maintenance

The Pilot spent \$20,000 on this parcel for site assessment. Jennifer Rush, the owner of Cost Effective Maintenance, an industrial construction materials business, intends to purchase this property, renovate the existing building for flex space lease, and construct a new building on the site for its own administrative offices. She has secured financing to purchase and redevelop the property, but development is contingent on the issuance of a brownfields agreement with the State that will limit environmental liability on the site for which her company was not responsible.

### Truck Equipment Manufacturers

An environmental assessment has been performed on this site. Truck Equipment Manufacturers hopes to expand its business to this lot, which is across the street from its current facility. Estimates of expansion cost

have been reported at approximately \$2.5 million. The renovation of an existing manufacturing building and the removal of debris have started on the project site. The owner, Robert Gilbertson, is seeking a brownfields agreement with the State prior to development.

### **Was there stakeholder involvement at any of Charlotte's Pilot-targeted sites?**

Stakeholder involvement has been a hallmark of this Brownfields Pilot. The City worked with local residents and other stakeholders from the application stage of the Pilot, explaining the project and brownfields concepts and soliciting input. A variety of activities were conducted to ensure that assessment, cleanup and redevelopment activities were being conducted with the blessing and involvement of residents in the impacted neighborhoods. In the beginning, door hangers, mailings, and flyers were distributed throughout the community in order to attract interest in the Brownfields Pilot and invite residents to the community meeting sponsored by the City. The City received an award for the effectiveness of their community outreach materials from the National City County Marketing and Communications Association.

In order to organize the involvement process, the Brownfields Pilot formed three committees: Environmental, Site Selection, and Financial. All of these committees consisted of a broad range of stakeholders, including community development corporations, neighborhood associations, banks and environmental professionals. Meetings of these committees were held in the Wilmore Neighborhood, making it easier for those residents most affected by potential redevelopment projects to attend. As a result they were very well attended.

Input from stakeholders was used to determine which five sites would be targeted by the Pilot, and what kind of redevelopment projects would be considered. All potential redevelopment projects were brought before the committees by the prospective developers. Stakeholders were able to question developers about their proposed projects so that all concerns, mainly those of the community organizations, were addressed. For example, residents in the Wilmore Neighborhood expressed concern with the height of some of the buildings being proposed for the Camden Square project, feeling that they would be living in the shadows and street trees would fail to thrive for lack of light. As a result of this input, the developer lowered the height of one of the buildings.

Louise Shackelford, the Wilmore Neighborhood Association representative, commented that members of the committee were "very receptive to my ideas," and concerns which included: traffic congestion; protecting natural urban ecosystems; providing high-wage employment opportunities; and encouraging entrepreneurship. Shackelford said she had "nothing but good things to say about the brownfields project" and that the program not only brought "economic development to the area, but also changed people's attitudes for the better," referring to residents realizing their potential for improving their surroundings for themselves and for their children. A local lender stated that she was "wowed" by the City's outreach efforts. A representative of the West Enterprise Community Board (a neighborhood group also involved in the City's Federal Enterprise Community designation) stated that the process was a "tremendous educational tool" for all those involved.

The best example displaying the cooperation between the community and a developer is Tony Pressley's (developer) Camden Square project. Pressley met with community groups early in the process to explain his

proposed project, and to address any neighborhood concerns. Calling him a “community conscious”

developer, both community representatives interviewed said Mr. Presley was open and honest from the very beginning and has continued to update the community with regard to the project’s status. Community groups aided Pressley by providing letters of support for the project for him to use when he was seeking a loan for the development. Pressley stated that community support for the project was very important; he doubted he would ever pursue a project if the community was against it. He went on to say that he felt his entire project was “Wilmore-driven.”

This type of inclusive decision-making is also being supported by the State’s Brownfields Property Reuse Act in that developers seeking assistance from the State must show local community is in support of the project. In addition to the aforementioned letters of support to lenders, the Wilmore Neighborhood Association has written letters of support to the State on behalf of Pressley and the Camden Square project.

### **Are there permitting issues at any of Charlotte’s Pilot-targeted sites?**

At this time it is not predicted that any of the Pilot-targeted sites will require environmental permits. Redevelopment activities are focusing on service and commercial ventures such as restaurants, offices, and warehouses.

It is interesting to note that the State of North Carolina is currently developing a process that is supported by a Geographical Information System (GIS), which will readily make available environmental, permitting and demographic data to State permit regulators. Access to this data will allow regulators to identify renewal or new permits where environmental justice concerns are or might be an issue.

It is also of interest that the State, through the Brownfields Property Reuse Act, has a public comment period requirement that could be criticized in the same manner as Title VI for causing delays in brownfields redevelopment projects. Under the Act, a brownfields agreement with the State cannot be approved until after a 60-day public comment period where stakeholders could conceivably oppose a project well into the cleanup or development stage. However, none of the brownfields projects in Charlotte have been canceled or slowed as a result of community opposition in this review period. While the Camden Square project was slowed down by a year due to delays in receiving the State’s first agreement under the Act, this did not prevent the developer from moving forward or interacting with the community.

#### **Permits and Other Release Information**

Water Discharge:	61
Hazardous Waste:	641
Air Releases:	330
Toxics Release Inventory:	120
Biennial Reporting System (1995):	49

### **For Charlotte’s Pilot-targeted sites in which no complaint was filed, what were the factors present which ensured there would be no complaints?**



There have been no complaints filed regarding any of the Pilot-targeted sites. Participants in the Pilot stated that intensive stakeholder outreach and inclusive decision-making ensured that all potential concerns were addressed before a project was started including the following factors: 1) the City built trust with affected

neighborhoods early on by conducting intensive outreach and soliciting input and participation in the Brownfields Pilot beginning with the application process; 2) community members sat on the selection committees for redevelopment projects; and 3) involvement continued throughout the project, so that future concerns of stakeholders also would be addressed. The environmental engineer, whose company has performed brownfields assessments for the City, stated that he did not think Title VI issues would hamper redevelopment efforts because these deserted areas are serving no purpose by remaining blighted. The brownfields program has “nothing but positive results” to offer residents in these areas.

Community group representatives interviewed were asked the hypothetical question, “If there had been an issue relating to environmental permits, do you think the City’s stakeholder involvement efforts would be adequate to resolve a problem?” Those community representatives felt confident that their strong relationships with the City would likely allow a permitting or end use concern to be resolved. This hypothetical situation is not likely to be tested considering the redevelopments currently underway or planned in the Pilot target area. Redevelopment activities are entirely non-industrial; they are service-oriented and commercial in nature. Bruce Nicholson, head of the State’s Brownfields Program, noted that most of the City’s brownfields are not fit for modern industrial uses and that most manufacturing and industrial plants tend to be located in rural areas in North Carolina.

### **Is Charlotte’s environmental office working with its redevelopment office? What other working relationships are in place in Charlotte (such as with the local civil rights office)?**

Charlotte’s Economic Development Division is responsible for administering the Brownfields Pilot grant. The Mecklenburg County Department of Environmental Protection is a cooperative partner in the Pilot. The North Carolina Department of Environment, Health, and Natural Resources, Division of Waste Management, was also a cooperative partner in the Pilot. Although not an active participant, Division of Waste Management officials were present in community meetings to serve as a source of information concerning the State’s brownfields’ laws.

### **Are there enforcement issues at any of Charlotte’s Pilot-targeted sites ?**

There are not facilities in the target area that are raising Title VI community concerns. The Wilmore Neighborhood representative, Louise Shackelford, commented that a pipe plant outside the Pilot area had raised the concerns of residents due to the smoke being emitted. She went on to say that she heard that EPA had investigated the plant and had found everything in compliance with environmental laws. Enforcement issues were not considered by any of those interviewed to have an impact on brownfields redevelopment.

**Was alternative dispute resolution used or considered in Charlotte's Pilot areas?**

There were no disputes surrounding brownfields activities.

## **How can the Charlotte Pilot ensure sustained, meaningful community involvement?**

Both the Pilot Manager and representatives from community groups expect to share in the decision-making process with regard to future brownfields projects. Parties acknowledged that the key to continued success is to maintain open dialogue and trust between the parties and to involve all concerned from the beginning. Furthermore, developers, City officials and neighborhood representatives all feel that the likelihood of success for any endeavor increases significantly when all stakeholders involved feel that they are active, knowledgeable, and influential participants in the process. Open and honest dialogue between stakeholders from the very beginning of a project helps to build relationships between participants and improve the chances of overcoming future obstacles.

The attorney who represented the Camden Square developer in receiving a brownfields agreement, commented that Title VI concerns are not likely to occur in Charlotte because the City is “attuned” to the concerns of the community.

## **How can the findings of the Charlotte Pilot case study be applied beyond Brownfields activities?**

A lesson from the experience of redeveloping brownfields in Charlotte is that developing trusting, mutually beneficial relationships among communities, businesses and the City can spin-off other positive benefits. The Wilmore Neighborhood Association plans to maintain its strong relationship with the City in working to redevelop the South End/Wilmore Neighborhood. It also plans to leverage this relationship to build further partnerships with public and private sectors to achieve such other community goals as: job training and education; neighborhood beautification; and crime reduction. As a result of the close relationship between the Association and the developer for the Camden Square site, the developer is now involved in helping to support activities at the community center in the neighborhood as well as conducting redevelopment projects.

Furthermore, the impact that the State’s Brownfields Property Reuse Act has had on encouraging developers to involve local communities in a meaningful way is showing early, but promising, results. According to developers and business owners interviewed, protection from environmental liability for pre-existing contamination is often the critical component needed to make a project viable in Charlotte. To receive liability protection from the State, a developer must show that the community is in support of the redevelopment, adding an additional incentive for developers in North Carolina to work with affected stakeholders. The importance of this incentive and the results it achieves regarding community input should be revisited after more projects have received liability protection.

### **Interviews Conducted:**

*Based on Pilot reporting information, a list of stakeholders was developed to identify potential interviewees. The Brownfields Regional Coordinators and EPA Pilot leads were contacted to confirm the appropriate interviewees for this case study.*

Tom Warshauer, City of Charlotte: Economic Development Division (Pilot Manager)

Kathryn Justice, First Union

Tony Pressley, Camden Square Associates

Benne Hutson, Smith, Helms, Mulliss & Moore

Jennifer Rush, Cost Effective Maintenance

Ted White, West Enterprise Community Board

Chris Bozzini, Malcolm Pirnie

Bruce Nicholson & Grover Nicholson, NC Division of Waste Management

Louise Shackelford, Wilmore Neighborhood Association

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# TITLE VI CASE STUDIES: Preliminary Findings



*Prepared for the U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response*

## Chicago, Illinois

### Describe the demographics that exist in Chicago.

The City of Chicago has a population of 2.8 million. Chicago is one of the first cities in the country to develop a program to redevelop its brownfields. This “rust belt” City has administered its own program since 1993, which has included assessment and cleanup of sites as well as coordination of redevelopment activities. In December 1994, the City of Chicago was designated as one of six urban Empowerment Zones (EZ) by the U.S. Department of Housing and Urban Development (HUD). In 1997 the City was awarded a relatively small, \$41,000 EPA Brownfields Assessment Demonstration Pilot grant (hereafter referred to as the Pilot), which was dedicated to improving the effectiveness of stakeholder involvement for brownfields projects throughout the City. This would be performed by creating outreach materials and evaluating the progress of issues raised during the Brownfields Forum, which was conducted in 1994 and 1995 with a grant from the MacArthur Foundation.

### Demographics: Chicago

Population:	2,800,000
Minority Rate:	54.6%
Poverty Rate:	21.6%
Unemployment Rate:	6.7%
Educational Attainment:*	12%

\*Percent of residents over 25 with a bachelor's degree.

The City's minority rate of 54.6 percent and poverty rate of 21.6 percent are significantly higher than Illinois' minority rate of 21.6 percent and poverty rate of 11.9 percent. Chicago's unemployment rate is 6.7 percent, and 12 percent of the population over 25 has attained a Bachelor's degree (according to the 1990 Census). Illegal dumping in minority neighborhoods has been a longstanding problem. All of the Pilot-targeted sites are located in neighborhoods that are predominantly minority.

### Have cleanup and redevelopment been done/completed at any of Chicago's Pilot-targeted sites?

Chicago's Brownfields Sites Program has already invested more than \$15 million for the assessment, cleanup, and preparation of various sites for redevelopment throughout the City. In addition, the City is currently devoting a portion of the \$50 million in Section 108 loans from the U.S. Department of Housing and Urban

Development funding for brownfields-related activities. Chicago has cleaned up 33 sites, encompassing approximately 50 acres; the City is currently focusing on 28 additional brownfields sites, covering approximately 480 acres. Of these sites, interviewees repeatedly mentioned the *Burnside Steel Foundry*, the former *Wisconsin Steel* site, the *76<sup>th</sup> and Albany* site, and the *Roosevelt and Kostner* sites.

#### Burnside Steel Foundry

In 1979, an explosion destroyed the seven-acre Burnside Steel Foundry, completely burning the original structure and leaving a 150-foot smokestack on the verge of collapse, along with a large amount of debris. The site was subsequently abandoned and became a safety hazard. Fortunately, the foundry property was located adjacent to the Verson Corporation, which was looking to expand its stamping press operations. The Southeast Chicago Development Commission and the Alderman brought the site to the attention of the City and advocated for assessment and cleanup funding. Through its Brownfields Sites Program, the City invested about \$500,000 for the cleanup and removal of more than 200 truckloads of debris and five barrels of hazardous waste. Verson Corporation redeveloped the site, investing \$31 million and adding approximately 100 new jobs when its new addition was completed.

#### Wisconsin Steel

Navistar, a heavy truck and combine manufacturer, owns this site as a successor to Wisconsin Steel. The Economic Development Agency (EDA), which holds a loan with the company, convinced the company to perform a voluntary cleanup and try to sell the site. Navistar cleaned up the site to industrial standards and is now looking for a redevelopment option. Some members of the surrounding community expressed that they would like to have the site cleaned up to (higher) residential standards in order to make the land a “blank slate” for redevelopment, since its end use is currently unknown.

#### 76<sup>th</sup> and Albany

This 30-acre site has been the location of considerable illegal dumping activities. In addition to approximately 420,000 tons of construction debris illegally disposed of on the site, residual contamination (treated wood, contaminated soil, and concrete debris) existed from previous uses. According to Jim Capraro, of the Greater Southwest Development Corporation, cleanup is estimated at \$18 million. Style Master, a container-making company, is interested in expanding its current Chicago-based operations by building a factory on the site. The company’s owner, Martha Williamson, is an African-American Chicago native interested in moving her growing company back to her hometown, but the cost of cleanup is prohibitive. Style Master would bring 500 jobs to the area, with the potential of 600-1000 jobs in the future. To date, no cleanup activities have taken place. Mr. Capraro and the Greater Southwest Development Corporation are investigating other sources of funding, including the Federal Bureau of Investigation, since it is believed that some of the dumping was a result of organized crime activities.

#### Roosevelt and Kostner

Between 1990 and 1996 more than 600,000 cubic yards of debris had been illegally dumped on this 16-acre site, creating a seven-story “mountain” of waste. The City spent \$2.3 million on site cleanup, a process that ran from January 1996 until April 1997, and removed more than 140 truckloads per day for over a year. Due in part to community input and the City’s desire to involve the affected community, the waste removal contract was awarded to a local minority-owned trucking firm, which is part of a coalition of truckers who

work with the Reverend Jesse Jackson's Rainbow Push Coalition. A black family television network is constructing a \$150 million building, including indoor television and movie sets and a cable channel. It is expected that this project will create 75 new jobs.

### **Was there stakeholder involvement at any of Chicago's Pilot-targeted sites?**

The purpose of the original EPA grant was to augment the City's Brownfields Forum by evaluating the progress made on Forum recommendations. The Brownfields Forum was a broad-based, public/private policy group comprising real estate developers, business interests, bankers, lawyers, representatives from local, State, Federal government agencies, environmental organizations, and community groups. It served as a coalition-building process that solicited community input on brownfields issues. Members of the Brownfields Forum included:

- |                            |                                |                              |
|----------------------------|--------------------------------|------------------------------|
| •Alzheimer & Gray          | •Chicago Department of Law     | •Greater Southwest           |
| •American National Bank    | •Chicago Department of         | Development Corp.            |
| •Baker & McKenzie          | Planning and Development       | •Heitman Properties          |
| •Bank of America           | •Chicago Legal Clinic          | •Illinois EPA                |
| •Buchanan Consulting, Inc. | •Chicago Manufacturing Center  | •Illinois Waste Management & |
| •Business and Professional | •Chicago Mayor's Office        | Research Center              |
| People for Public Interest | •Chicagoland Department of     | •John D. & Catherine T.      |
| •Center for Neighborhood   | Law                            | MacArthur Foundation         |
| Technology                 | •Clean Sites, Inc. (Delta      | •North Business Industrial   |
| •Chicago Association of    | Institute)                     | Council                      |
| Neighborhood Development   | •Department of Housing and     | •Southeast Chicago           |
| Organizations (CANDO)      | Urban Development              | Development Commission       |
| •Chicago Department of     | •U.S. Environmental Protection | •Waste Management Research   |
| Environment                | Agency                         | Center                       |

The Brownfields Forum focused on issues of sustainable development and property cleanup and reuse. Between December 1994 and June 1995, more than 130 people attended a series of working meetings, developing 65 recommendations for promoting brownfields redevelopment. Forum activities achieved regulatory changes, influenced regional planning, and increased access to communities in brownfields decision-making.

The Brownfields Forum was highly inclusive and allowed for broad-based involvement. According to Bill Abolt, Commissioner of the Department of the Environment, since that time the City has demonstrated its commitment to community involvement in brownfields projects. For example, although the Brownfields Forum has been completed, the City holds evening meetings to continue to receive community input so that every project can begin with a community consensus. No stakeholders interviewed felt that the Brownfields Program currently excludes any parties from the decision-making processes.

Of the original \$41,000 EPA Pilot grant, \$21,000 was targeted for an evaluation of the effectiveness of the Forum, and to help compile a cumulative Brownfields Forum Progress Report. In addition, EPA has awarded Chicago \$200,000 as a Showcase Community; \$200,000 under the Intergovernmental Personnel Act (IPA),



which temporarily provided a Federal employee to assist the City's brownfields efforts; and \$200,000 to temporarily fund an Army Corps of Engineers staff person to support the City's brownfields efforts.

Another method by which stakeholders can provide input is through the City's process for request for proposals. In a highly competitive environment, bid selection is based on a defined criteria selected by the Chicago Department of Planning and Development (DPD) including: the developer's conformance to the requirements of the proposal, quality of the development's design, economic feasibility of the plans, financial ability of the developer to complete the development, the project schedule, and any benefits the respondent will bring to the City, including job creation. DPD reviews every proposal and then passes good ones onto the Community Development Commission (CDC) to make sure that community concerns are addressed. The CDC reviews the proposal with affected communities. Based on past successes, Mr. Abolt and Jennifer Muss, of the City of Chicago, both stress that community support greatly aids the selection of proposals. Mr. Abolt states that the "smarter proposals will go to the community beforehand with ideas," because "if the community advocates a particular idea, the City is likely to follow through, especially if the development benefits the community." He cites the Roosevelt & Kostner site as a prime example of community involvement contributing to a successful proposal. Through the community's monthly meetings, residents were allowed to question and speak with potential developers about their redevelopment plans for the site. Based on the community's support for the black television network, the City accepted the bid because it would directly benefit the area's minority residents.

In addition, the City has created extensive community involvement opportunities throughout the permitting process. To receive a permit, a potential developer must first take the request before the City, where the proposal is discussed in a public hearing open to members of the community. If the request reaches the zoning board, there is second public hearing. A final, third public hearing is then required before a permit is issued. According to Mr. Abolt, this three-tiered formula allows for ample community input into every permit.

Alderman Michael Chandler of the 24<sup>th</sup> Ward illustrated an example of how expanded community participation has strengthened the City's enforcement programs. In the summer of 1995, the Department of Environment and the 11<sup>th</sup> Police District began a cooperative enforcement program that consisted of stricter laws, an enforcement unit, public outreach, and a data management and tracking system to help stop illegal dumping. The Department of Environment also has a complaint hotline and brochures announcing the hotline (produced in English, Spanish, and Polish), encouraging community residents to report illegal dumping activities.

### **Are there permitting issues at any of Chicago's Pilot-targeted sites?**

None of the parties interviewed expect there to be permitting issues at any of the targeted brownfields sites. Planned end uses for the sites include: a stamping press manufacturer, a container manufacturer, and a television studio. Some of these end uses may require new environmental permits.

Although there are no permitting issues expected on these four brownfields sites, in another part of Chicago community members have been involved in the issuance of permits. Mr. Abolt cited an instance where a developer was interested in spending \$2 million to clean up and redevelop a site, but could not get the necessary air permit from the State because they were located in a non-attainment area. Since the developer was going to create jobs for local residents, the community became an advocate for the project. Through its support, the developer was able to get an emissions credit from 3M and the State awarded the permit. This case exemplifies how important job creation activities are to distressed communities regardless of environmental concerns.

#### **Permits and Other Release Information**

Water Discharge:	48
Hazardous Waste:	4674
Air Releases:	1949
Toxics Release Inventory:	466
Biennial Reporting System (1995):	208

### **For Chicago's Pilot-targeted sites in which no complaint was filed, what were the factors present which ensured there would be no complaints?**

According to the parties interviewed, strong community involvement has headed off any potential complaints, even though some of the sites will have industrial reuses. With intensive City and community partnerships in brownfields issues, most potential problems were identified and treated from the beginning, thus avoiding any complaints or dissatisfaction with cleanup and redevelopment plans. Mr. Abolt states that by involving the community at the beginning of a project, "We let the community define the possible." Each group interviewed stressed the necessity of including the community from the outset of any project and praised the Pilot and City efforts in this regard.

### **Is Chicago's environmental office working with its redevelopment office? What other working relationships are in place in Chicago (such as with the local civil rights office)?**

In 1993, representatives from the Chicago Departments of Environment, Planning and Development, Buildings, Law, and the Mayor's Office came together to develop a strategy for promoting cleanup and redevelopment of the City's brownfields. These various City departments have been significantly involved in all aspects of the Brownfields Program in Chicago. Mayor Richard M. Daley is primarily responsible for these working relationships associated with Brownfields. Mr. Daley formed the Department of Planning and Development (which plays a large role in the selection of bids for redevelopment of brownfields), initiated

the City-based Brownfields Program, and insisted on community involvement in brownfields projects. Due to his leadership, the City, the Pilot, and the community all work together in one large partnership.

Although the City and Pilot work in concert with the community, several stakeholders expressed frustration with the Illinois EPA's (IEPA) role in the permitting process. Mr. Capraro mentioned that "coordination with the City, State, and EPA leaves something to be desired." According to Mr. Capraro, the IEPA bureaucracy makes it difficult to complete permits and receive a IEPA-issued "No Further Remediation (NFR)" letter when a cleanup is completed. An NFR letter gives the site developer and end user the security needed to pursue redevelopment without environmental liability. Mr. Capraro emphasized that timing is important in construction for projects. "If [the developer] misses the season, it totally throws [the developer] off schedule," he explained. Therefore, the additional level of bureaucracy encountered with the IEPA can lengthen the amount of time to receive a permit, potentially disrupting the entire construction schedule for a project.

### **Are there enforcement issues at any of Chicago's Pilot-targeted sites?**

No parties interviewed were aware of enforcement issues at any of the targeted sites. Although there are no enforcement issues relating to Pilot activities, the context in which redevelopment is occurring in Chicago is volatile. Community groups in nearby South Cook County have actively opposed two incinerators (Bloom Township Incinerator and Robbins Incinerator) in a predominantly low-income, minority area.

The Bloom Township incinerator Title VI complaint was filed in 1995 by the South Suburban Citizens Opposed to Polluting our Environment (SS-COPE). SS-COPE objected to the construction of a wood-burning incinerator, citing potential dangers to the community including: the possibility of fire, the possibility of burning toxins, and the harms caused by the incinerator being visited on overwhelmingly minority populations. Due to the Title VI complaint and the community's strong stance against the incinerator, the permit was denied, and the case closed.

The South Cook County Environmental Action Coalition (SCCEAC) filed a Title VI complaint against the Robbins Incinerator in November 1997. The complaint charged that the incinerator was a source of air and noise pollution, and that the facility would almost exclusively affect the people living in immediate proximity to the incinerator who are, in turn, disproportionately minority when compared to residents of Cook County and Illinois. The case is still open.

### **Was alternative dispute resolution used or considered in Chicago's Pilot areas?**

No dispute resolution surrounding any of the brownfields sites was mentioned by those interviewed. Due to the volatile climate surrounding pending litigation related to the Robbins incinerator, participants were unwilling to discuss this case or any ADR activities.

### **How can the Chicago Pilot ensure sustained, meaningful community involvement?**

Strong community involvement was consistently mentioned by all stakeholders as crucial to redevelopment plans getting underway and being successful. Consequently, the City plans to continue its strong program

of community involvement, especially through the permitting process and public meetings. In an effort at continual improvement, the City plans to implement suggestions for improvements identified in the Pilot-funded Brownfields Forum Progress Report.

In order to ensure that community concerns are taken into consideration and redevelopment time lines are met, the Pilot and City should work to develop a more coordinated processes with the IEPA. The City and IEPA could work together to help prioritize activity on sites related not only to environmental and public health needs, but to take into consideration construction seasons and funding cycles as they are sometimes dependent upon “No Further Remediation” letters.

### **How can the findings of the Chicago Pilot case study be applied beyond Brownfields activities?**

The Chicago Brownfields Pilot has shown that through dedication, long-term stakeholder involvement, and education, it was able to overcome the initial skepticism that hinders brownfields redevelopment and establish a solid track record of past performance for future projects. The broad-based, inclusive type of decision-making evidenced in the Brownfields Forum is easily transferable to other types of community decision-making processes that require multiple stakeholders, such as master planning, park and greenway development, capital improvements, and stadium siting.

Another lesson from the Chicago Pilot is that relationship-building between the City and local communities can help address other community issues. Alderman Chandler of the 24<sup>th</sup> Ward illustrated an example of how the City and the local community worked together to solve a related crime and blight issue. Illegal dumping is a large and expensive problem for the City of Chicago, with an annual average cleanup price tag of \$11.5 million. In the summer of 1995, the Department of Environment, the 11<sup>th</sup> Police District and local residents began a cooperative enforcement program where residents were given brochures in English, Spanish, and Polish that included a hotline to report illegal dumping. According to Chandler, “we swarmed the 11<sup>th</sup> Police District for fly dumpers and caught many of them.” Simultaneously, the City Council passed an ordinance “that gave teeth to a law against illegal dumpers.” Stricter punishment provisions for fly dumping now include: fines between \$1,000 and \$2,000 for first-time offenders; jail time of up to six months and community service up to 200 hours; impoundment of vehicles with up to \$2,000 in fines; \$100 rewards for citizen information leading to conviction; and loss of City contracts and business licenses for those convicted.

Relationships developed through brownfields activities have also created opportunities for the City and DePaul University to more efficiently target their resources and improve overall effectiveness relating to employment readiness. The University is partnering with the City to target its job training activities to match needs with brownfields redevelopment activities. DePaul regularly consults with local community organizations to locate residents as potential students for its programs.

### **Interviews Conducted:**

*Based on Pilot reporting information, a list of stakeholders was developed to identify potential interviewees. The Brownfields Regional Coordinators and EPA Pilot leads were contacted to confirm the appropriate interviewees for this case study.*

Jennifer Muss, City of Chicago

Bill Abolt, Commissioner of the Department of the Environment

Lynne Cunningham, Southeast Chicago Development Commission

Rob May, CANDO (Chicago Association of Neighborhood Development Organizations)

Jim Capraro, Greater Southwest Development Corp.

Alderman Michael Chandler, 24<sup>th</sup> Ward

Sheila Pressley, DePaul University

# TITLE VI CASE STUDIES: Preliminary Findings



*Prepared for the U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response*

## Detroit, Michigan

### Describe the demographics that exist in Detroit.

Detroit's population has declined during the past two decades, from 1.5 million in 1970 to approximately 1 million in 1990. The City is focusing its brownfields efforts on the southwest portion of the City, as well as approximately five other "industrial corridors" scattered throughout Detroit. The southwest portion of the City is populated by low-income, residential neighborhoods, and suffers from a heavy industrial legacy, mainly automotive, that has left the area littered with abandoned and contaminated properties. The residents of southwest Detroit have worked in the nearby factories over several generations, and many of them have lost jobs as the factories have shut down. During the 1980s, for example, plant closings resulted in the loss of about 5,000 jobs, approximately 7% of which belonged to southwest Detroit residents.

### Demographics: Detroit

Population:	1,027,974
Minority Rate:	78.4%
Poverty Rate:	32.4%
Unemployment Rate:	9.1%
Educational Attainment: *	5.9%

\*Percent of residents over 25 with a bachelor's degree.

The City has a high unemployment rate (9.1 percent) and a high percentage of residents living below the poverty level (32.4 percent). Detroit has one of the highest minority rates in the country (78.4 percent), almost every area of the City is racially diverse, and residents in many areas are impoverished. According to the 1990 Census, educational attainment is well below the national average, with 5.9 percent of residents over 25 possessing a bachelor's degree or higher, compared to the national average of 13.1 percent.

Detroit used its EPA Brownfields Assessment Demonstration Pilot (hereafter referred to as the Pilot) grant funds to create a "toolkit" for brownfields redevelopment. The toolkit includes a video and a manual for developers and others interested in brownfields redevelopment in the City. The toolkit included who to contact, city and state services available, and processes of brownfields redevelopment, highlighting three redeveloped sites, one commercial, one industrial, and one residential.



## **Have cleanup and redevelopment been done/completed at any of Detroit's Pilot-targeted sites?**

Overall, Detroit's brownfields program has had many redevelopment successes and several more are underway. Because the City did not use any of its EPA Brownfields Pilot funding to target specific sites, this response will focus on two redevelopment projects located in southwest Detroit that are deemed by interviewees to be the most likely to have permitting issues.

### Perstorp Xytec

Perstorp, a Swedish company that manufactures plastic racks used to ship automobile parts, expressed interest in two adjacent properties in southwest Detroit's Federal Empowerment Zone to expand their operations. These sites were suspected to be contaminated due to years of dumping (including drums of hazardous materials and hundreds of tires) and decades of manufacturing use, most recently as a porcelain enameling plant.

The City paid for a Phase I site assessment. The Michigan Department of Environmental Quality (MDEQ) conducted further assessment and sampling of the site and removed some drums, and the City cleaned up tires and other solid waste. Perstorp invested \$9.2 million in a new plant that is providing jobs to Detroit residents. The 55,000 square foot facility began operations in the summer of 1997 with approximately 30 employees, with plans to hire up to 100 people.

### Detroit Coke

The Detroit Coke facility is located in the southwest part of the City, near the convergence of the Detroit and Rouge rivers. The site is an abandoned RCRA permitted facility and has a notorious history of environmental problems, including violations of air quality standards and fines relating to injection wells containing waste water from steel-making processes. In 1991, the owners shut down their coking operations; the site was abandoned and became State property through tax foreclosure. Since that time, several ownership, liability, and jurisdictional issues have prevented full assessment and cleanup of the property. The owner redeemed the property by paying the back taxes.

In the 1980s, EPA conducted site assessments and determined that no further Federal remedial action was needed. While it was in control of the property, the State conducted extensive assessments (including the drilling of approximately 1,000 sampling wells) that supplemented and contradicted (i.e., showed higher contamination levels) the private owner's own assessments. Only a few more weeks of assessment work is needed to finish the study, but lack of access has delayed completion. At one time, while the site was considered State property, the State was prepared to conduct a site cleanup. These plans were put on hold when the owner redeemed the property.

Owners of several cement storage silos are looking to relocate along the river in southwest Detroit because their properties are being redeveloped into a downtown stadium and casino by the City. Two southwest Detroit riverfront sites are being considered—Detroit Coke, and a City-owned site next to historic Fort Wayne. The silo owners are in negotiations with the City and site owners and have had several discussions with community representatives. According to Andy Hogarth of the MDEQ, the silo would be distribution



centers and have “fairly clean” operations.

## **Was there stakeholder involvement in Detroit’s Pilot areas?**

The City of Detroit has focused much of its stakeholder outreach activities at a specific stakeholder group: potential developers. The Pilot-funded toolkit includes a video which focuses on three example sites—one commercial, one industrial, and one residential—and offers information about how to get involved in brownfields redevelopment activities in Detroit. It also explains Detroit’s Redevelopment of Urban Sites (R.E.U.S.) Action Team, a partnership of City and State agencies that have a role in environmental and redevelopment issues, which coordinates the City’s brownfields activities. Although community representatives are not members of the R.E.U.S. team, community members were involved in the development of the toolkit. They commented on drafts of the toolkit, and offered input to ensure that it was written in non-technical terms and that non-profit developers’ needs were addressed. Community groups also assisted the City in distributing the toolkit.

Simultaneous with the creation of the Pilot toolkit, the City undertook a year-long community visioning program called the Community Reinvestment Strategy (CRS), intended to raise awareness of brownfields opportunities for community groups in Detroit. For example, the southwest neighborhood indicated that they wanted to clean up existing sites and prevent contaminant migration, especially on sites relating to the waste disposal industry (e.g., landfills, injection wells, incinerators, and waste water treatment plants). The community wants to attract companies that do not pollute or adversely impact quality of life, and that create jobs for the neighborhood residents—companies that are “clean, with intense employment opportunities.” Residents stated that “survival of the community is based on brownfields redevelopment.”

In addition to the community’s input on brownfields redevelopment through the toolkit and CRS processes, one group is getting involved in assessing, cleaning up and marketing sites in their neighborhood. Southwest Detroit Environmental Vision (SDEV) has partnered with university and non-profit groups, and uses trained citizen volunteers to conduct Phase I assessments, environmental surveys and market research for companies interested in relocating onto brownfields in their neighborhood. SDEV feels that their assistance “helps level the playing field” for those who might prefer to develop greenfield sites. According to SDEV representative Kathy Milberg, SDEV is “actively engaged in marketing clean companies so that we don’t have to be victims again.”

According to Sara Lile, Brownfields Pilot Manager, the community has a long history of informal collaboration with the City and various developers. She said that “most developers have touched base” with the community in order to get its reaction to proposed projects and have “up front dialogues” to ensure community acceptance before expending resources on a project. All those interviewed concurred with Ms. Lyle’s statement, “in Detroit, there’s always community involvement.”

The R.E.U.S. Team has yet to involve the community in the redevelopment of the Detroit Coke site “because there’s no real redevelopment plan yet,” according to the Pilot Manager. The silo developers, however, have met directly with community residents to discuss operations and resident concerns. The silo developers took the community representatives to one of their newer facilities so that they could see how the cement silos

operate. Kathy Milberg of the SDEV notes that the community is “not concerned about environmental emissions, because [the silo developers] run a clean plant.”

### **Are there permitting issues in Detroit’s Pilot areas?**

According to those interviewed, none of the brownfields sites featured in the Pilot toolkit required permits to operate their new end uses.

However, Pilot Manager Sara Lile noted that “southwest Detroit and all the industrial corridors have multiple permit issues” for past and ongoing operations. This makes the context of redevelopment highly industrial, creating greater potential for Title VI complaints compared to commercial, residential or open space end uses. For example, the Detroit Coke site is a RCRA permitted facility which is also subject to safe drinking water laws relating to the deep injection wells on-site. The owner, Allied Signal, attempted to renew the original EPA permit for these wells in order to store tar waste from a nearby facility. The SDEV protested, educated themselves on the specific environmental issues, and went to the public hearing “armed to do battle.” As a result of this action, says Lile, the City did not “rubber stamp” the permit, but “used its power to protect” the residents and denied the permit.

#### **Permits and Other Release Information**

Water Discharge:	10
Hazardous Waste:	2111
Air Releases:	264
Toxics Release Inventory:	126
Biennial Reporting System (1995):	71

Most of the community’s concerns about permitting relate to waste facilities. In part, this is connected to historical enforcement problems in the area. The community has noted that there should be more equity in siting waste facilities. As stated by Kathy Milberg, “we are not saying ‘not in my back yard,’ we are saying ‘our backyard is full. Now it’s our turn for clean jobs.’” The Pilot Manager echoed the communities’ desires: “they’ve got plenty of [permitted waste] facilities; any permitted facility would have to greatly benefit the community for them not to have opposition. The community looks at two things: jobs and what type of facility is proposed.” With these concerns in mind, most of the recent or proposed redevelopment projects do not raise environmental permitting issues because they are residential, commercial, or light industrial. Usually, redevelopment leads to a net benefit for the community so there is little opposition.

### **For Detroit’s Pilot areas in which no complaint was filed, what were the factors present which ensured there would be no complaints?**

No Title VI complaints have been filed or threatened with regard to any Detroit brownfields redevelopment project. As indicated by the two highlighted sites, there seems to be two key factors that may bear on whether complaints or other opposition occurs: the environmental impact of the proposed use and the overall benefit to the community.

Community support for the Perstorp Xytec site is a good example of these factors in action. The end use is

industrial (manufacturing plastic racks), but is not considered “dirty” and the company has provided jobs to local residents. According to Andy Hogarth from the MDEQ, the site’s redevelopment is viewed as a “total improvement.”

Conversely, initial plans to expand the operations of the Detroit Coke injection wells to allow commercial waste water to be injected into the wells faced enormous community opposition. The current negotiations about siting the cement silos, on the other hand, is now supported by the community even though opposition to silo siting was expressed in the CRS due to environmental concerns. To allay fears, the developer initiated contact with the community and demonstrated that the silos operate in an environmentally clean manner.

### **Is Detroit’s environmental office working with its redevelopment office? What other working relationships are in place in Detroit (such as with the local civil rights office)?**

The R.E.U.S. Team brings together all City departments that have a role in environmental and redevelopment issues (i.e., department’s of Environmental Affairs, Planning and Development, Law, Building Safety and Engineering, Water and Sewage), as well as the Michigan Department of Environmental Quality, EPA Region 5, and Detroit Edison. The Team was formed to serve as a resource of information, knowledge, and expertise on resolving environmental impediments to redevelopment in Detroit. Through the Team, the direct intervention of high-level officials at early stages in the process resulted in prioritization of projects, directing requests for assistance to appropriate agencies, and coordinating efforts to expedite projects.

The R.E.U.S. Team has helped to overcome some historical problems in addressing environmental concerns within the City, including claims of disparate enforcement. According to one source, part of the problem in the City’s enforcement of environmental issues was that when the enforcement codes were developed, they did not address what is now regarded as environmental pollution, and there was no City environmental department. The Pilot Manager noted that steps are being taken to clarify which department has responsibility over various types of code enforcement. Others note financial and cultural constraints within the City government as posing barriers to redevelopment. Through the R.E.U.S. Team, the City departments have improved their ability to streamline related enforcement and redevelopment projects. As noted by Rick Plewa of Comerica Bank, the R.E.U.S. team has helped to “break log jams by getting the attention of higher ups” to make things happen. Still, community representatives believe “the City needs to ratchet up its resources to enhance and protect” southwest Detroit and other City Renaissance Zones, “to provide the same level of effort as when they are trying to build stadiums and casinos.”

### **Are there enforcement issues at any of Detroit’s Pilot areas?**

According to those interviewed, there are no future enforcement actions or Title VI complaints anticipated with regard to the two highlighted sites. There have been, however, historical enforcement issues at both sites and throughout the southwest Detroit area. For example, the Perstorp site was subject to years of illegal dumping and the Detroit Coke facility has been cited for numerous Clean Air Act and Safe Drinking Water Act violations. Most recently, EPA Region 5 reached agreement with Detroit Coke on violations of underground injection control regulations of the Safe Drinking Water Act. In December 1998, the company

agreed to pay a \$15,500 fine. As noted earlier, the community has opposed continued or expanded operations of injection wells but fully supports end uses that are environmentally friendly.

According to community representative Kathy Milberg, there is a perception of uneven enforcement in southwest Detroit. “Enforcement is treated differently in southwest Detroit than in the affluent suburbs—a violation in the suburbs would get the plant shut down; in the City we are lucky to get a citation.” This view was reinforced by other interviewees. According to Lillian Randolph from the Detroit Community Outreach Partnership Center (DCOPC), many residents feel that the City has not used its resources and powers to protect the residents. Because there are so many City departments, confusion and distrust on the part of residents result. These enforcement issues cover general “nuisance” issues (e.g., traffic, building codes, crime) as well as more traditional environmental issues (e.g., air quality, water quality, and illegal dumping).

Based on this history, the Pilot Manager indicated that southwest Detroit has the potential for Title VI complaints, but notes that if the end use is acceptable there probably will not be any community opposition. Representatives from the City’s redevelopment organization noted that although Title VI concerns “have not hit the fan and stopped any redevelopment plans yet,” they believe it will eventually happen, because Title VI “just adds another potential barrier” to the already difficult redevelopment process.

### **Was alternative dispute resolution used or considered in Detroit’s Pilot areas?**

The interviewees did not reference the use of alternative dispute resolution for the sites highlighted in the Pilot toolkit, nor for any other redevelopment projects in the City.

Although alternative dispute resolution has not been used at any of the brownfields sites to date, a program to create Citizens Information Committees (CIC) to supplement traditional public notice, comment, and hearing procedures that is being undertaken by the MDEQ could be useful if dispute resolution is needed in the future. According to Andy Hogarth, several departments within the MDEQ form CICs for difficult sites that are “likely to garner opposition” such as those with groundwater contamination issues, where the residents feel they are exposed to contaminants, or where waste disposal facilities are involved. These CICs are comprised of local elected officials, citizens who are willing to represent interests from the community, State senator and representative staff members, and the local health department. They take a longer-term, broader and more proactive approach to community involvement than the typical public hearing process. The regular CIC meetings are supplemented by other methods including bulletins, mailings, and informal meetings for information sharing.

### **How can the Detroit Pilot ensure sustained, meaningful community involvement?**

The Pilot toolkit, which has a significant section on community involvement, will continue to provide a reminder to developers and others involved in brownfields redevelopment that meaningful and comprehensive stakeholder involvement is critical to successful redevelopment. In addition, the City’s encouragement to developers to reach out to the community fosters an atmosphere where community input is valued.

Community representatives noted that the City has been progressive in involving the community already, but had several additional suggestions including: generating interest in a project; providing enough resources and access to decision makers; good communication; and building up community credibility. As Kathy Milberg notes, “a lot of this is relationship work and trying to find something that everyone can be for...but

you have to be at the table [to make progress].” Milberg praised the involvement efforts relating to the Anaconda Brass facility, where “all kinds of information” including flyers and a toll-free phone line were made available up front. According to Milberg, “we didn’t even have to ask for it; they just sent it to us.” Andy Hogarth of the MDEQ agreed on how effective this effort this was, and that it could serve as a model for future efforts.

The Pilot Manager suggested that making “public participation mandatory” may help to prevent Title VI from becoming a barrier to redevelopment by denying legal standing to anyone who chooses to “lie in the weeds” and wait until the end of the process to voice their protest.

The representative from the lending community noted that they do not impose any community involvement requirements on their borrowers at this time. They did note, however, that several proposals have been circulated and they may become a reality.

### **How can the findings of the Detroit Pilot case study be applied beyond Brownfields activities?**

Outreach, education, communication, and access to streamlined public decision-making seems to be the key to success for Detroit’s brownfields redevelopment. Several interviewees remarked that the use of universities and other non-profit groups to serve as neutral parties and capacity building resources has made a significant difference in the community’s ability to be an effective stakeholder. Community experts from the universities can provide outreach and education without the distrust sometimes faced by State/City representatives. Further, these resources help build capacity within the community, making them credible participants in the redevelopment dialogue.

### **Interviews Conducted:**

*Based on Pilot reporting information, a list of stakeholders was developed to identify potential interviewees. The Brownfields Regional Coordinators and EPA Pilot leads were contacted to confirm the appropriate interviewees for this case study.*

Sara Lile, Detroit Department of Environmental Affairs

Rick Plewa, Comerica Bank

Lillian Randolph, Michigan State University Center for Urban Affairs

Kathy Milberg, Southwest Detroit Environmental Vision

Karen O'Donoghue, Detroit Economic Growth Corporation

Peter Fleming, Office of the Mayor, Economic Development

Andy Hogarth, Michigan Department of Environmental Quality

Ross Powers, EPA Region 5, former Detroit IPA

# TITLE VI CASE STUDIES: Preliminary Findings



*Prepared for the U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response*

## Lawrence, Massachusetts

### Describe the demographics that exist in Lawrence.

The City of Lawrence has a population of 70,207. Lawrence was one of the first industrial cities of the northeast. The 150-acre Brownfields Pilot (referring to the EPA Brownfields Assessment Demonstration Pilot) target area, known as the North Canal Mill District, is located in the original industrial area. The North Canal Mill District is almost entirely industrial and commercial in nature, and is separated from residential neighborhoods by the Merrimack and Spickett Rivers and a series of canals or "raceways" that serviced the original textile and paper mills. There are nearly four million square feet of non-residential buildings in the target area, which house 281 companies that employ approximately 3,300 workers. The area has approximately 1.8 million square feet of vacant, out-of-date commercial and industrial space remaining from its industrial past; this space is largely inadequate for modern processes. Poor traffic flow and inadequate parking provide obstacles to further redevelopment.

### Demographics: Lawrence

Population:	70,207
Minority Rate:	45.2%
Poverty Rate:	27.5%
Unemployment Rate:	10.3%
Educational Attainment:*	6.4%

\*Percent of residents over 25 with a bachelor's degree.

As it did at the beginning of the industrial revolution, Lawrence continues to attract high levels of recent immigrants. The predominant immigrant group in Lawrence is now Latino, which has displaced historically high numbers of Irish and Italians. Almost half of the population of Lawrence is a member of an ethnic minority (45.2 percent). Unemployment is the highest in the State of Massachusetts (10.3 percent) and educational attainment is far below the national average, with only 6.4 percent of Lawrence residents over 25 possessing a bachelor's degree or higher, compared to the national average of 13.1 percent.

## **Have cleanup and redevelopment been done/completed at any of Lawrence's Pilot-targeted sites?**

Three sites within the North Canal Industrial Corridor are being targeted by the EPA Brownfields Pilot for redevelopment: *Oxford Paper*, *Everett Mills*, and *West Island*. At all three sites a component of the redevelopment is focusing on transportation improvements to improve the business climate for the City's industrial core. The Brownfields Pilot, the City and the Department of Transportation Intermodal Surface Transportation Efficiency Act (ISTEA) planning process are all coordinating on these efforts.

### Oxford Paper

The 6-acre Oxford Paper site had long been suspected by the City to be contaminated. A \$50,000 Pilot-funded Phase I environmental assessment confirmed that the site was contaminated with polychlorinated biphenyls (PCBs) due to a process used to produce glossy pages for magazines such as *National Geographic*. GenCorp, a neighboring corporation, and the State of Massachusetts Highway Department (MHD) are partners in this site's cleanup and redevelopment. GenCorp has contributed more than \$900,000 towards assessment and cleanup of the site and a series of mini-canals (raceways) which traverse the Oxford Paper site, to ensure that contamination does not spread to its property. MHD plans to construct a suspension bridge that will span the Spickett River and improve transportation access for businesses in the area. According to Robert Devany of GenCorp, MHD will begin demolishing abandoned structures on the Oxford Paper site in Spring 1999, under the supervision of the Brownfields Pilot. Robert Luongo, the current Pilot Project Manager, indicated that the Pilot and City have spent \$125,000 on an environmental engineering firm to oversee the environmental aspects of demolition. Mr. Luongo expects that construction on this site will begin "toward the end of 2000 or in 2001."

The remaining portions of the site will house either surface or structured parking and open space. Redevelopment activities have not begun yet on this portion of the site and according to Bob Devany, it is "unclear as to who will pay for these improvements."

### Everett Mills

Redevelopment of the Everett Mills site (40,000 square feet) is dedicated to widening an adjacent intersection that is too narrow for industrial machinery and tractor trailers to turn and which is creating a safety hazard. Widening of the intersection by the MHD will proceed when questions of who will pay for the demolition of a 30,000-square-foot warehouse is decided. Widening this intersection will improve transportation flow in the North Canal Industrial Corridor and heighten the appeal of the gateway into the City. Pilot-funded assessments totaling approximately \$7,000 revealed no contamination in either the warehouse or on the adjacent land.

### West Island

This 7,000-square-foot property will be part of planned roadway upgrades that will improve access to business on the island (currently, the site is accessible only by a private roadway in serious disrepair). The Brownfields Pilot provided \$10,000 for Phase I and II environmental assessments, which revealed no contamination. The roadway improvement project will be funded with ISTEA dollars.





## **Was there stakeholder involvement at any of Lawrence's Pilot-targeted sites?**

Stakeholder involvement in the Pilot has focused primarily on private-sector partners, particularly with the Oxford Paper site. An active Brownfields Advisory Committee comprised of local business leaders, representatives from the Lawrence Hospital, the Merrimack Valley Planning Commission, the Merrimack Watershed Council, and the Bank of Boston made recommendations to the Mayor regarding site selection, assessment, cleanup, and redevelopment options. However, no local residents or representatives of community groups are members of the Advisory Committee. Pilot Manager Robert Luongo stated that this is a project “largely developed and steered by private industry.”

The Brownfields Pilot project is closely coordinated with the larger-scale redevelopment goals of the City's Merrimack Corridor Enhancement Project (MCEP), which is funded by ISTEA grants and Groundworks Trust, a National Park Service program dedicated to the preservation of open space and parks. The Pilot and the MCEP held several public meetings regarding redevelopment activity in an area that includes the Pilot-targeted sites, but there has been little community interest or participation. According to former Pilot Manager Suzanne Lamoureux, “Meeting and planning information is always made available to the public, but there wasn't much interest in either Brownfields activity or the work of the ISTEA grant. Perhaps two people showed up at the public meetings offered by ISTEA.”

Pilot Manager Robert Luongo feels that the lack of community interest is due to the low number of people actually residing in the Pilot-targeted area, and a lack of understanding as to how redevelopment might impact them. In addition, because the planned redevelopments are either transportation improvements (including parking) that residents generally agree are much needed, and open space, Mr. Luongo feels that the Pilot's plans are non-controversial. Language barriers could also account for lack of resident participation, as communities surrounding the target areas are primarily Latino.

Stakeholders involved with the Advisory Committee have and continue to play a role in Pilot planning, though only the private sector and local government are represented by the Committee. Some stakeholders outside the Committee, while acknowledging access to public Brownfields meetings, expressed that their voices were not as influential in the decision-making process. John Leavitt of the Lawrence Grassroots Initiative (LGI), an active environmental justice group within the City, stated, “a certain group of people tend to dominate [public Brownfields] meetings, and [those in positions of authority] have set ideas of what a community group should do. Groups like LGI are rarely taken seriously.”

### **Are there permitting issues at any of Lawrence's Pilot-targeted sites?**

The three Pilot-targeted sites will ultimately be used for transportation improvements, new parking, and open space. No permits will be required.

### **For Lawrence's Pilot-targeted sites in which no complaint was filed, what were the factors present which ensured there would be no complaints?**

The three Pilot-targeted sites will ultimately be used for transportation improvements, new parking, and open space. No permits will be required.

### **Is Lawrence's environmental office working with its redevelopment office? What other working relationships are in place in Lawrence (such as with the local civil rights office)?**

Nearly all those interviewed described a difficult political climate in Lawrence—processes and infighting that do not promote cooperation and coordination. As former Project Manager Suzanne Lamoureux explained, “No one wants to grab the reigns of redevelopment planning and strategy in the City, and until they realize how important creating a strategy is, it won't be done...” Under Ms. Lamoureux, the Pilot spent a year putting together the Lawrence Economic Development Council (LEDC), which was supposed to oversee redevelopment efforts in Lawrence. “Ideally, this was supposed to be an entity that would survive [negative] politics and administration,” said Ms. Lamoureux. “But the City did not continue the efforts of the LEDC, so the group has dissolved.”

### **Are there enforcement issues at any of Lawrence's Pilot-targeted sites?**

Due to the nature of the brownfields redevelopment activities in Lawrence, enforcement issues were not considered by any of those interviewed to have an impact on brownfields redevelopment.

This lack of knowledge about enforcement activities in Lawrence should not be misunderstood for apathy or ignorance about environmental justice issues. Community groups in Lawrence have strongly opposed two of the City's trash incinerators, including one dedicated to medical waste. The medical waste incinerator, which is operated by BFI and is located in the poorest section of the City, is the main focus of opposition from community and environmental justice groups. Jonathan Leavitt, with LGI, explains: “within a mile radius [of the BFI medical waste incinerator], the community is virtually all low-income.” Mr. Leavitt indicated that a petition is now circulating to oppose the release of dioxin into the nearby lake, a phenomenon directly attributed to the BFI incinerator. Recent tests on the lake have indicated the highest dioxin levels in the lake's history. LGI plans to stage protests and wage letter-writing campaigns in its efforts to shut down the BFI

#### **Permits and Other Release Information**

Water Discharge:	4
Hazardous Waste:	128
Air Releases:	81
Toxics Release Inventory:	20
Biennial Reporting System (1995):	4

incinerator.

However, the community perceives Brownfields Pilot activity as beneficial, or at the least, benign. When asked if the community perceived the Oxford Paper site redevelopment project as positive, Robert Devany of GenCorp answered “Absolutely... the site has been a major eyesore, and I hear nothing but negatives as to its current condition. The community knows that the site negatively affects the City.” This sentiment was carried further by Charles Tontar, with the Merrimack College Urban Resource Institute, who stated that “The Oxford Paper site is the City’s best hope for overall restoration; it is at the City’s entryway, and will serve as a test case that will show how likely the City’s restoration will be.”

### **Was alternative dispute resolution used or considered in Lawrence’s Pilot areas?**

According to those interviewed, alternative dispute resolution was not used in regard to either of the incinerator disputes. There were no disputes surrounding Brownfields activities.

### **How can the Lawrence Pilot ensure sustained, meaningful community involvement?**

The Pilot managers learned that access to decision-making and public meetings is not enough to really have meaningful public involvement. To that end, the Pilot is cooperating with the Merrimack College Urban Resources Institute, through an EPA Environmental Justice grant, to promote community involvement in neighborhood associations and minority areas. Ms. Niruka Aybar, with the Resources Institute, has been conducting surveys with Latino residents to determine if they have any environmental questions, health questions, or safety concerns. Future efforts could include distributing Spanish-language pamphlets to keep residents informed of future Brownfields meetings, and using an interpreter at these meetings to keep Latino neighborhood representatives involved.

It is also important to avoid technological jargon and other complicated approaches that could alienate community members at these meetings. As explained by Leavitt, who had also expressed his frustrations about the weak opportunities for community involvement: “I’d like to see [the Brownfields Advisory

Committee] lay down their redevelopment plans in the simplest terms possible—tell me what is expected and when, and how community groups can be involved in real decision making, not just feedback. I’d like more specifics [at these meetings], more chances for community groups to make a difference.”

### **How can the findings of the Lawrence Pilot case study be applied beyond Brownfields activities?**

An innovative multi-agency task force created to address cleanup issues at the Oxford Paper site and adjacent GenCorp property is showing promising results for speeding up environmental cleanup activities. In addition to helping create the Brownfields Pilot proposal and sitting on the Advisory Committee, GenCorp also invested \$60,000 to create a task force that includes environmental and regulatory representatives and decision-makers from the State of Massachusetts, EPA Region 1 and the City. According to Robert Devany,

### **Interviews Conducted:**

*Based on Pilot reporting information, a list of stakeholders was developed to identify potential interviewees. The Brownfields Regional Coordinators and EPA Pilot leads were contacted to confirm the appropriate interviewees for this case study.*

Robert Luongo, Chief Economic Development Officer, City of Lawrence

Suzanne Lamoureux, former Pilot Manager

Robert Devany, GenCorp

John Leavitt, the Lawrence Grassroots Initiative

Tennis Lilly, community activist

Charles Tontar, Merrimack College Urban Resource Institute

Niruka Aybar, Merrimack College Urban Resource Institute

Ralph Goodno, Merrimack River Watershed Council

“The first phase of environmental cleanup work [on the Oxford Paper site] took 4 years; the second phase only took one year, and it dealt with far more environmentally complicated issues.” Getting all the decision-makers around the same table, with the same information and making decisions in concert really sped up the process.

# TITLE VI CASE STUDIES: Preliminary Findings



*Prepared for the U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response*

## Miami, Florida

### Describe the demographics that exist in Miami.

The City of Miami has a population of 358,548. The City is focusing its Brownfields Pilot (referring to the EPA Brownfields Assessment Demonstration Pilot) efforts on the economically distressed Wynwood neighborhood (population 6,850), which was heavily impacted by race-related riots in 1990. When six police officers were acquitted of beating a Puerto Rican drug dealer to death, almost 300 youths ran through the streets of the Wynwood neighborhood, looting and setting stores on fire. Local businesses were hit hard, with damage estimated at approximately \$2.5 million. According to Lorenzo Rodriguez, Executive Director of the Edgewater Economic Development Corporation, the area has lost more than 10,000 jobs in the past four years. Rodriguez said that “there was a perceived feeling in the community that the City didn’t do anything to keep the manufacturing companies in the area, like giving tax incentives and stuff.”

The Wynwood neighborhood includes the Miami-Metro Dade Federal Enterprise Community and the State Enterprise Zone (EZ). The area is almost entirely minority (62 percent Hispanic and 38 percent non-Hispanic); this minority rate is very high compared to Miami overall (34.3 percent). The poverty rate in Wynwood (51 percent) exceeds the rest of Miami by about 20 percent (30.6 percent). Educational attainment is considerably below the national average, with only 7.2 percent of Miami residents over 25 possessing a bachelor’s degree or higher, compared to the national average of 13.1 percent.

### Demographics:

#### City

Population:	358,548
Minority Rate:	
Hispanic	59%
Non-Hispanic	28%
Poverty Rate:	30.6%
Unemployment Rate:	10.5%
Educational Attainment (City-wide):*	7.2%

#### Pilot-targeted Area

Population:	6,850
Minority Rate:	
Hispanic	62%
Non-Hispanic	38%
Poverty Rate:	51%

\*Percent of residents over 25 with a bachelor's degree.

## **Have cleanup and redevelopment been done/completed at Miami's Pilot-targeted site?**

The Miami Brownfields Pilot is currently focusing its efforts on one site, called the Wynwood property. A second site, the Allapattah property, is also of interest to the Pilot, but little activity has been conducted there to date.

Bill Tocose, a developer who specializes in purchasing blighted properties, cleaning them up and reselling them for redevelopment, stated that the Wynwood property had been inactive for more than ten years. Crime and illegal activities, including drug dealing and prostitution, were occurring on the site, and had begun to spread to surrounding areas, causing residents and business owners to fear for their safety. Looters and vandals have stripped the property, taking air conditioning systems, windows, and plumbing fixtures. Tocose paid off all back taxes on the Wynwood property, and negotiated deals with those holding liens on the property to share future profits from redevelopment.

Tocose remarked that, "in Florida, soil contamination means water supply contamination" because the water table is so close to the surface. An environmental assessment showed contamination at the Wynwood property is primarily from underground storage tanks, sewer pipes, and industrial chemicals. The west parcel was formerly a dry cleaning facility that has since been torn down, and the vacant lot is contaminated with spent oil drums and diesel fuel. On the east parcel, the City worked with the police to remove illegal tenants from an abandoned warehouse. The Pilot conducted a Phase I environmental assessment which revealed slight asbestos contamination from an old boiler.

Bill Tocose has sold the west parcel to a developer who is planning to construct a ready-mix cement plant, which will create 30 new jobs in the community. This same developer is currently discussing plans to purchase the east parcel as well for office space and some warehousing.

## **Was there stakeholder involvement at Miami's Pilot-targeted site?**

The City of Miami formed a Brownfields Working Group to apply for the Pilot grant. The Working Group includes the executive director of a Community Development Center, a long-time realtor for the Wynwood area, the Administrator for the Wynwood Neighborhood Enhancement Team, and the Pilot Manager, a municipal employee at the time of the Pilot application. This group has since governed the activities of the Pilot.

Since its inception, the Brownfields Working Group has made presentations at several town council and civic organization meetings in order to provide area residents with information about the Pilot project. The discussions have primarily focused on the Pilot's approach, what contamination has been found on the land, and what redevelopment plans have been made. To allay fears regarding the planned cement plant, toxicologists were brought in to explain in layman's terms the types and level of pollution that could be expected. Meetings were attended by a dozen or so residents and two or three local activist groups.

The City Manager has appointed Louis Carrasquillo as a liaison with the community. As Neighborhood

Enhancement Team Administrator, Carrasquillo stays current concerning activities in the Wynwood

neighborhood and reports to the City Manager every week regarding the developments with the Pilot. He said that because contamination is perceived to be minimal, the community at large has not seen the development as a threat and therefore has not attended the informational meetings.

At this time it is not predicted that any of the Pilot-targeted sites will require environmental permits. Redevelopment activities are focusing on service and commercial ventures such as restaurants, offices, and warehouses.

**Are there permitting issues at Miami's Pilot-targeted site?**

All interviewees stated that there would not likely be any permitting issues at the site, although the cement plant will most likely require both an air and a water permit. Larry Mizrach, a long-time realtor for the entire Wynwood area, said that he had never dealt with any properties where obtaining environmental permits were an issue.

**Was a complaint filed at Miami's Pilot-targeted site? If not, what were the factors present which ensured there would be no complaints?**

Those interviewed believe there will be no complaints filed on this property because the cement plant will be such a large improvement compared to current blight and crime. Because the area has been a tremendous eyesore and danger to the community, the community desperately wants a company that will provide jobs at the site. An interesting observation was made by Tocose: "When [community] groups don't feel like they have gotten their fair share of the benefits [e.g. contract work, development opportunities, involvement in the process], one way to remedy that is to stir up community activism about the environmental contamination of the site." Tocose feels that the Miami Pilot has used community meetings to get residents and local businesses involved in the redevelopment plans and that this approach should prevent future complaints.

Another reason that those interviewed feel that complaints are unlikely is that the developer of the cement plant has come to the community and spoken to the residents on their own turf and in their own language. The fact that the developer is Cuban-American and speaks Spanish helped immensely in building a positive relationship between the community and the Pilot. He assured residents that he will work with local churches and community groups to train them for positions at the cement plant. Initially, some residents voiced concern about the planned cement plant both because of the noise produced by trucks driving through the area and perceived issues relating to dust and water contamination. The developer explained that cement plants are much cleaner and produce less dust than in the past. This seemed to have alleviated the fears of the community, and since that meeting there has been little community concern.

**Permits and Other Release Information**

Water Discharge:	9
Hazardous Waste:	2154
Air Releases:	139
Toxics Release Inventory:	64
Biennial Reporting System (1995):	23





### **Is Miami's environmental office working with its redevelopment office? What other working relationships are in place in Miami (such as with the local civil rights office)?**

Municipal departments involved in the Brownfields Working Group include the City Manager's Office, the Mayor's Office, and Miami-Dade County Officials. The Police Department has been involved in removing illegal tenants as needed. In addition, the Miami-Dade County Department of Environmental Resource Management (DERM) has been in close contact with the Brownfields Working Group. The Miami Pilot has begun to coordinate with the more recently awarded Miami-Dade County Pilot to more effectively use participants' time and to address issues on a broader geographic level.

### **Are there enforcement issues at Miami's Pilot-targeted site?**

None of the stakeholders interviewed felt that environmental enforcement issues were impacting brownfields activities.

### **Was alternative dispute resolution used or considered in Miami's Pilot area?**

Alternative dispute resolution was not needed for the Wynwood site. Open conversations between the owner, developer and residents allayed initial fears relating to traffic and dust, negating the need for a more formal dispute resolution process.

### **How can the Miami Pilot ensure sustained, meaningful community involvement?**

Those interviewed felt that continued open dialogue between developers and residents will ensure that brownfields redevelopment continues to go smoothly in Miami. Tocoise explained that trust-building activities such as bringing in a toxicologist to explain potential impacts goes a long way in building community support for a project. Furthermore, projects that meet other community goals such as job creation and crime reduction are likely to have more community support.

All of those interviewed said that there was a language barrier between the community and the Brownfields Working Group that was limiting meaningful dialogue. Should additional sites be targeted where the developer is not Spanish-speaking, the Pilot will have to employ a translator or find a community representative or staff member to communicate with interested residents.

### **How can the findings of the Miami Pilot case study be applied beyond Brownfields activities?**

Regardless of the positive relationship between the community, the developer and the Pilot, it is important to realize that community revitalization activities can be blocked due to a negative relationship with State agencies. In Miami, it was expressed that developers feel that DERM requires too much testing and data tracking, and as a result shy away from developing those properties because this process is so costly and time-consuming. Community groups have seen developers attempting to locate in the area, only to give up after attempting to go through DERM's cumbersome processes. The community is desperate to have

redevelopment in the area, and views DERM as the ‘enemy’ to this process. Based on the Miami Pilot’s experience, it seems important that Pilot efforts work at not only developing positive relationships with the local community, but also put in place the necessary processes to ensure that community redevelopment

### **Interviews Conducted:**

*Based on Pilot reporting information, a list of stakeholders was developed to identify potential interviewees. The Brownfields Regional Coordinators and EPA Pilot leads were contacted to confirm the appropriate interviewees for this case study.*

Louis Carrasquillo, Neighborhood Enhancement Team Administrator

Larry Mizrach, Realtor for Wynwood Area

Bob Schwartzreich, City of Miami (Pilot Manager)

Lorenzo Rodriguez, Executive Director of Edgewater Economic Development Corp.

Bill Tocose, owner of the Wynwood site

projects are not unnecessarily delayed by State or Federal agencies.

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# **TITLE VI CASE STUDIES: Preliminary Findings**



*Prepared for the U.S. Environmental Protection Agency's Office of Solid Waste and Emergency Response*

## **Miami-Dade County, Florida**

### **Describe the demographics that exist in Miami-Dade County.**

Miami-Dade County is a large urban County (population 2,076,175) situated between two national parks (Everglade National Park and Biscayne National Park) and above a sole source aquifer, from which the County draws its drinking water supply. The predominantly small, service-oriented businesses (e.g. tourism, aviation and foreign trade) that comprise the economic base of the County were devastated by civil unrest in 1980 which resulted in more than \$100 million in damages to local businesses and residences.

The minority rate for the County (70 percent) is three times higher than the State of Florida (16.9 percent). The poverty rate (25 percent) is double that of the State (12.4 percent), and the unemployment rate is also almost double (12 percent versus 7.3 percent). The educational attainment rate for individuals over 25 in Miami-Dade County is higher than the State's rate: 11.2 percent of this group has earned a bachelor's degree in the County as compared to 8.2 percent for the State overall (the national average is 13.1 percent).

### **Demographics: Miami-Dade County**

Population:	2,076,175
Minority Rate:	70%
Poverty Rate:	25%
Unemployment Rate:	12%
Educational Attainment:*	11.2%

\*Percent of residents over 25 with a bachelor's degree.

### **Have cleanup and redevelopment been done/completed at any of Miami-Dade County's Pilot-targeted sites?**

The Pilot (referring to the EPA Brownfields Assessment Demonstration Pilot) is targeting the Poinciana Industrial Corridor, which consists of 70 individual parcels on 30 acres of County-owned land. The Corridor is located directly across from a large public housing project that has received U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant funding to be designated a Model City. Pilot-funded Phase I environmental assessments have been completed on all 70 parcels. The need for Phase II assessments has been identified on several of the more contaminated parcels. Contamination levels

range from very little to fairly significant and include underground storage tanks, solid waste, pesticides, asbestos, and heavy metals. The Pilot hopes that cleanup of the sites will begin as early as July 1999, although funds have yet to be acquired. To date, no redevelopment plans for any of the sites have been developed. The Brownfields Working Group is considering releasing a Request for Proposals (RFP) in March 1999, either targeted at developers or to the general public, to solicit ideas on how to best redevelop the parcels.

### **Was there stakeholder involvement at any of Miami-Dade County's Pilot-targeted sites?**

The Brownfields Working Group is comprised of County environmental staff, real estate and banking representatives, businesses, community development corporations, and local government representatives. Two members of the Model City Advisory Board also sit on the Working Group and serve as the primary connection between the Pilot and residents in affected communities.

Due to the sensitization of citizens and community groups to environmental justice issues because of controversies in other parts of the State, the Pilot realized the importance of involving the community and State and local government entities from the outset of the project. To that end, the Working Group has attended more than 60 community meetings over the last two years to discuss not only the redevelopment plans, but the site assessment findings and what impact the contamination has on the community. At the end of each monthly meeting, the Working Group opens the floor to discussion about the Pilot's plans. In order to ensure convenient access to interested residents, Working Group meetings are held in the County Chamber building so that they can be open to the public; meetings are videotaped and made available to those not able to attend. Additionally, four public hearings have been held to inform the community of decisions made, such as the start of the program and when contracts were awarded. An information clearinghouse that includes an index of all the documents generated and received regarding the Brownfields Pilot (brownfields reports, brochures from conferences, site assessment results, contracts, etc.), as well as the minutes from each task force meeting, is available to the public in the Department of Environmental Resource Management Office.

There were differing opinions about how effective these stakeholder outreach efforts have been. While the two Brownfields Working Group members seem to feel that the community is highly involved and satisfied, Louis Sparks, Chair of the Model City Advisory Board, said that the project had not been explained very well and for the most part thought that residents were ill-informed. In addition, Roy Hardemon, who sits on the Model City Advisory Board as well as the Brownfields Working Group, said that originally, when the Pilot came to talk to the residents of the Model City about its plans for redevelopment, "there were no black people in the Working Group." A representative was added, but that was eight months into the process. Finally, according to Louis Sparks, residents still fear that they are not being told everything and that contamination may be worse than what has been explained to them by local health department representatives.

There is also evidence that communication between the Working Group and the Model City Advisory Board may have some problems. Both groups want to bring needed jobs into the area; however, there is an apparent disconnect as to what type of developer should provide those jobs. Representatives of the Brownfields

Working Group advocate bringing in a national company to promote the Pilot's visibility, but have varying impressions of what the Advisory Board desires. Some say expansion of local businesses and others, such as Louis Sparks, say it does not matter, "as long as we bring in developers that have a history of staying power and providing not only a lot of jobs, but jobs that can be filled by the residents in the community."

### **Are there permitting issues at any of Miami-Dade County's Pilot-targeted sites?**

Since reuse options have not yet been identified for the Poinciana Industrial Corridor, permitting issues have not come to the forefront at this Pilot to date.

It is important to note that environmental permitting issues are currently receiving much attention in Miami-Dade County due to community protests at incinerator sites in Broward County, Florida. Issues at these sites have caused residents in those areas to question whether complete environmental information is being disclosed to them. According to Pilot Manager Doug Yoder, a Title VI complaint has been filed in Broward County regarding an incinerator site that has reportedly increased the level of cancer in the surrounding community. Both Ron Frasier of the Black Business Association and Michael Goldstein, the Chair of the Working Group, related that activists who are concerned about these other sites are holding meetings in the area and raising issues of mistrust with residents and community groups. Frasier and Goldstein both thought that these activities could cause some potential problems for the Pilot in the future.

#### **Permits and Other Release Information:**

Water Discharge:	13
Hazardous Waste:	3139
Air Releases:	205
Toxics Release Inventory:	98
Biennial Reporting System (1995):	29

### **For Miami-Dade County's Pilot-targeted sites in which no complaint was filed, what were the factors present which ensured there would be no complaints?**

No complaints have been filed to date; however, redevelopment plans have not been finalized.

In addition to maintaining an open dialogue with community groups, those interviewed believe that the Pilot is taking several proactive steps to avoid potential environmental justice issues or Title VI complaints. For example, Julian Perez, the Vice Chair of the Brownfields Working Group, sat on the Governor's Environmental Equity and Justice Commission. He is well educated on the issues and adds credibility to the Pilot, showing that the Pilot is serious about community concerns.

The Pilot has also been trying to quickly dispel any negative rumors. For example, the Brownfields Working Group knew that concern stemming from the Broward County incinerator sites and contamination issues in Tallahassee could impact redevelopment in Miami-Dade County, if issues of contamination were left unexplained to local communities. To address this, local and State health officials were brought into the Model City Advisory Board meeting to explain the implications of the contaminants in the Poinciana Industrial

Corridor, and to dispel some of the fears residents initially showed. Perez stated that he “hopes that openness regarding types and levels of contamination from the beginning will prevent future complaints.”



**Is Miami-Dade County’s environmental office working with its redevelopment office? What other working relationships are in place in Miami-Dade County (such as with the local civil rights office)?**

Miami-Dade County will prepare an “interdepartmental agreement” that will involve all the local permitting agencies and departments participating in the County’s brownfields redevelopment efforts. Mr. Perez says that this agreement will provide clear directives to the agencies signing the agreement that rarely work in accordance with one another. By clearly defining the role of each department in the brownfields process, the County hopes to minimize the possibilities of having one department assigned multiple responsibilities under the program. Mr. Perez believes that the community needs to further its relationship with the Office of Community and Economic Development. He believes those issues pertaining to job creation and economic redevelopment would be addressed more effectively if concerned residents had a proactive relationship with the Office of Community and Economic Development.

**Are there enforcement issues at any of Miami-Dade County’s Pilot-targeted sites?**

According to those interviewed, enforcement issues are not expected to be a problem in the Miami-Dade Pilot area.

**Was alternative dispute resolution used or considered in Miami-Dade County’s Pilot areas?**

To date there have been no disputes that have required a formal alternative dispute resolution process.

**How can the Miami-Dade County Pilot ensure sustained, meaningful community involvement?**

In general, Working Group members feel they have made good progress in involving the community in their efforts. Many agree, however, that there is a breakdown in communication between the Model City and the Working Group. Currently, the Working Group needs to find a way to reach residents in the Model City area, and not just the few people that sit on the Advisory Board. To this end, the Pilot could encourage the Model City Advisory Board and residents to present a united front when presenting their needs and desires to the Brownfields Working Group. At the time of the interview, Mr. Perez had just returned from a meeting with the residents, the Pilot Manager and the contractor responsible for the cleanup of the Pilot site, regarding a dispute over the use of local residents in the cleanup process. A group of residents wanted the contract for the cleanup work and the Pilot Manager told them that the contract for that work had already been awarded. During the meeting, Mr. Perez worked with all the stakeholders to address the residents’ concerns so that the dispute could be resolved. Adequate communication between the Advisory Board and the Working Group in the future could ensure that residents of the area understand the redevelopment process and how to get involved.

## How can the findings of the Miami-Dade County case study be applied beyond Brownfields activities?

A lesson learned from this case study that can be applied to almost any public program is that citizens' perceptions of past activities dramatically impact chances for success on new initiatives. For example, Frasier believes that most residents will be reluctant to get involved until they see development happening because with all the promises that have been made in the past, they are wary of getting their hopes up. Julian Perez added that "programs create expectations," and that public servants need to be aware of that going in and

### Interviews Conducted:

*Based on Pilot reporting information, a list of stakeholders was developed to identify potential interviewees. The Brownfields Regional Coordinators and EPA Pilot leads were contacted to confirm the appropriate interviewees for this case study.*

Doug Yoder and Margaret Meyer, Pilot Managers, Department of Environmental Resource Management

Michael Goldstein, Chair, Brownfields Working Group (environmental attorney)

Roy Hardemon and Lottie Hines, Model City Advisory Board/Brownfields Working Group Members

Louis Sparks, Chair of the Model City Advisory Board

Julian Perez, Vice Chair of the Brownfields Working Group

Ron Frasier, Black Business Association representative

tailor their messages and activities accordingly.

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